



**MINUTES  
OF THE  
MEETING OF THE  
BENBROOK CITY COUNCIL  
THURSDAY, SEPTEMBER 6, 2018**

The regular meeting of the Benbrook City Council was held on Thursday September 6, 2018 at 7:30 p. m. in the Council Chambers at 911 Winscott Road with the following Council members present:

Jerry Dittrich, Mayor  
Rene Franklin  
Larry Marshall  
Rickie Allison  
Jim Wilson  
Mark Washburn  
Ron Sauma

Also Present:

Andy Wayman, City Manager  
Jim Hinderaker, Assistant City Manager  
Donna Savage, Deputy City Secretary  
Sherri Newhouse, Finance Director  
James Mills, Police Chief  
Tommy Davis, Fire Chief  
Hillary Cromer, EDC Management Analyst  
Amanda Valdez, Management Analyst

Others Present:

Rick Overgaard, Finance Director  
Bill Smith  
Steven Watson  
Laura Mackey  
Jenevieve Williams

**I. CALL TO ORDER**

Meeting called to order at 7:30 p. m. by Mayor Jerry Dittrich.

**II. INVOCATION/PLEDGE OF ALLEGIANCE**

Invocation given by Mayor Pro-Tem Rickie Allison.  
The Pledge of Allegiance was recited.

**III. MINUTES**

**1. Minutes of the regular meeting held August 16, 2018**

Motion by Mr. Allison, seconded by Mr. Washburn to approve the minutes of the regular meeting held August 16, 2018.

Vote on the Motion:

Ayes: Ms. Franklin, Dr. Marshall, Mr. Allison, Mayor Dittrich, Mr. Wilson, Mr. Washburn, Mr. Sauma

Noes: None

Motion carries unanimously.

**IV. INTRODUCTION OF NEW EMPLOYEE**

**1. Introduction of Amanda Valdez, Management Analyst**

Cathy Morris introduced Amanda Valdez as the newly hired Management Analyst.

**V. PRESENTATION BY BENBROOK ECONOMIC DEVELOPMENT CORPORATION**

**EDC-2018-04 Ratify Benbrook Economic Development Corporation Budget for Fiscal Year 2018-2019**

Cathy Morris gave the following report: The Benbrook Economic Development Corporation Board of Directors conducted a public hearing at their August 20, 2018 regular meeting to consider the BEDC budget for Fiscal Year 2018-2019. With no public comment, the proposed budget was approved totaling \$1,428,504.00. The Board is seeking City Council ratification.

Administrative Budget – Accounts 5000-5300	\$442,504
5701 Gateway Entrance Sign (balance on project)	\$6,000
5705 Storefront Improvement Program (ongoing)	\$150,000
5706 NW Winscott Infrastructure (TIA, maintenance)	\$150,000
5707 Westpark Corner (TCEQ, maintenance)	\$5,000
5712 8909 Benbrook Blvd. (utility, connection, maintenance)	\$75,000
5722 Benbrook Boulevard (landscape, signage, beautification)	\$600,000
5700 Total Projects	\$986,000
Total FY2018-2019 BEDC Budget	\$1,428,504

Motion by Mr. Wilson, seconded by Mr. Sauma to ratify the Benbrook Economic Development Corporation budget for Fiscal Year 2018-2019 as presented.

Vote on the Motion:

Ayes: Ms. Franklin, Dr. Marshall, Mr. Allison, Mayor Dittrich, Mr. Wilson, Mr. Washburn, Mr. Sauma

Noes: None

Motion carries unanimously.

## **VI. REPORTS FROM CITY MANAGER**

### **A. GENERAL**

#### **G-2366 Accept Finance Report for period ending July 31, 2018**

Rick Overgaard gave the following report: General Fund revenues for the month of July were \$524,312. Property tax collections were \$82,880. Sales tax collected and recognized as revenue in July 2018 was \$245,717. Total Franchise Fees for July were \$168,682, and revenue from Charges for Services were \$73,160. Additional franchise fee payments are anticipated prior to the end of the fiscal year. General Fund revenues collected through the end of July were \$16,590,182 or 88 percent of the budget.

General Fund expenditures for the month of July were \$2,230,965, which is higher than last July because of the annual payment to the TIF of \$759,391. Last year, the TIF payment was made in March 2017. General Fund expenditures to date do not include \$2,000,000 in scheduled transfers; these transfers will be made prior to September 30, 2018. Expenditures through the end of July were \$14,488,060 or 73 percent of the adopted budget.

For the 2017-18 fiscal year-to-date, total General Fund revenues of \$16,590,182 exceeded General Fund expenditures of \$14,488,060 by \$2,102,122.

Debt Service revenues collected for the month of July totaled \$3,721; all revenue was from property taxes. There was \$82,284 in Debt Service interest expenditures for July. Total revenues for 2017-18 in the amount of \$505,703 were exceeded by total expenditures of \$1,519,299 by \$1,013,596.

EDC revenues as of July 31, 2018, were \$1,031,817. Revenue was from the EDC's portion of sales tax and interest on investments. EDC expenditures through the end July were \$2,486,619, with \$1,161,729 for land acquisition. EDC revenues for the year were exceeded by EDC expenditures by \$1,454,802.

Total revenues received through July 31, 2018, for the Capital Projects Fund were \$2,260,557 from Stormwater Utility fees, TIF income, Mineral Lease revenue, and interest earnings. Total expenditures for the Capital Projects Fund were \$4,254,508 through the end of July 2018. July expenditures, in the amount of \$531,475, were for the following projects: Plantation West Drainage, Vista Way, Benbrook Field Drive, Animal Shelter, and the Clear Fork Emergency Access Bridge. Total expenditures exceeded total revenues by \$1,993,951. Sufficient funds are available in the current fund balances of the Capital Projects Fund. This fund operates on a project basis rather than a specific fiscal year.

On July 31, 2018, the City had \$21,253,339 invested at varying interest rates; the EDC had \$5,601,487 available.

Motion by Ms. Franklin, seconded by Mr. Washburn to accept the finance report for the period ending July 31, 2018.

Vote on the Motion:

Ayes: Ms. Franklin, Dr. Marshall, Mr. Allison, Mayor Dittrich, Mr. Wilson, Mr. Washburn, Mr. Sauma

Noes: None

Motion carries unanimously.

**G-2367      Conduct 1<sup>st</sup> Public Hearing to consider adoption of an ordinance continuing curfew for minors**

James Mills gave the following report: In July 1994, the City of Benbrook enacted a curfew ordinance to restrict the hours an individual under the age of seventeen can be in a public place. The restricted hours are from 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day and 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday. State law requires a review of municipal curfew ordinances every three years to determine if the ordinance should be abolished, continued, or modified. State Law further requires a review of the ordinance's effects on the community and on problems the ordinance was intended to remedy. The Local Government Code stipulates that the City Council shall conduct public hearings on the need to continue the ordinance.

Consideration of the curfew ordinance is two phased and includes (1) the August 16, 2018, public hearing and (2) the September 6, 2018 public hearing followed by formal City Council consideration.

The Benbrook Police Department believes that the curfew ordinance has assisted the department in late night crime prevention.

Benbrook police officers have issued the following citations for curfew violations in the past three years:

2016	45
2017	56
2018	50 (year-to-date)

During the same period of time, minors have been arrested for committing the following number of crimes during the hours of curfew:

2016	18
2017	16
2018	19 (year-to-date)

Bedford, Burleson, Crowley, Euless, Everman, Forest Hill, Fort Worth, Hurst, Kennedale, North Richland Hills, Saginaw, Southlake, Watauga, and White Settlement have enacted curfew ordinances. These Tarrant County Cities are either in close proximity to or are similar in size to the City of Benbrook.

Arlington, Grapevine, Keller, and Mansfield are also in close proximity or similar in size to the City of Benbrook. These cities have not enacted a curfew ordinance.

Mayor Dittrich opened the public hearing at 7:48 p.m. No one spoke to the item. Mayor Dittrich closed the public hearing at 7:48 p.m.

Motion by Mr. Wilson, seconded by Mr. Allison to adopt Ordinance No. 1428 continuing curfew for minors.

Vote on the Motion:

Ayes: Ms. Franklin, Dr. Marshall, Mr. Allison, Mayor Dittrich, Mr. Wilson, Mr. Washburn, Mr. Sauma

Noes: None

Motion carries unanimously.

Ordinance No. 1428 being **"ORDINANCE NO. 1428**

**AN ORDINANCE ESTABLISHING A CURFEW FOR MINORS; SETTING FORTH DEFINITIONS, CREATING OFFENSES FOR MINORS, PARENTS, AND GUARDIANS OF MINORS, AND BUSINESS ESTABLISHMENTS VIOLATING CURFEW REGULATIONS; PROVIDING DEFENSES; PROVIDING FOR**

**ENFORCEMENT BY THE POLICE DEPARTMENT; PROVIDING FOR WAIVER BY THE MUNICIPAL COURT OF JURISDICTION OVER A MINOR WHEN REQUIRED UNDER THE TEXAS FAMILY CODE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING A PUBLICATION CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**SECTION 5  
Penalty Clause**

1. A person who violates a provision of this section is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed \$500.00.
2. When required by Section 51.08 of the Texas Family Code, as amended, the municipal court shall waive original jurisdiction over a minor who violates Subsection 2 (1) of this ordinance and shall refer the minor to the juvenile court.

**SECTION 12  
Effective Date**

This ordinance shall take effect at midnight on September 20, 2018 after its passage and publication as required by law, and it is so ordained.

**G-2368      Adopt Ordinance amending Chapter 2.12 of the Benbrook Municipal Code by establishing jurisdiction of the City of Benbrook Emergency Medical Services**

Tommy Davis gave the following report: In some municipalities, private ambulance companies provide non-emergency patient transfers. Although staff is not aware of a private ambulance company currently providing non-emergency transfers in Benbrook, private ambulance companies have previously requested to transport patients.

Chapter 2.12 of the Benbrook Municipal Code establishes the administration of the Benbrook Fire Department but does not currently contemplate jurisdictional or health and safety issues related to private ambulance companies.

In order to provide and clarify jurisdictional authority and establish local health and safety oversight of private ambulance companies, the proposed ordinance:

- Establishes the Benbrook Fire Department as solely responsible for emergency and non-emergency EMS calls, except as provided by interlocal agreement.
- Restricts private ambulance companies to non-emergency transfer calls to and from skilled nursing facilities only. The private ambulance companies must secure a permit (\$250) to operate in Benbrook.
- Establishes licensing and health and safety standards for private ambulance companies providing non-emergency transfer calls.
- Designates the Benbrook Fire Department as the on-site medical personnel for all special events unless otherwise approved by the Fire Chief or designee.

Motion by Mr. Allison, seconded by Mr. Sauma to adopt Ordinance No. 1429 amending Title 2, Administration and Personnel of the Benbrook Municipal Code by amending Chapter 2.12, by adding Section 2.12.012 to establish jurisdiction and oversight of Emergency Medical Services.

Vote on the Motion:

Ayes: Ms. Franklin, Dr. Marshall, Mr. Allison, Mayor Dittrich, Mr. Wilson, Mr. Washburn, Mr. Sauma

Noes: None

Motion carries unanimously.

**Ordinance No. 1429 being "AN ORDINANCE AMENDING CHAPTER 2.12 OF THE BENBROOK MUNICIPAL CODE (1985) AS AMENDED BY ADDING SECTION 2.12.012 ESTABLISHING DEFINITIONS AND JURISDICTION OF THE CITY OF BENBROOK EMERGENCY MEDICAL SERVICES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

#### **SECTION 5 Penalty Clause**

Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this Ordinance shall be fined not more than two thousand dollars (\$2,000.00) for all violations involving zoning, fire safety or public health or sanitation, including dumping of refuse, and shall be fined not more than five hundred dollars (\$500.00) for all other violations of this Ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

**SECTION 9**  
**Effective Date**

This Ordinance shall be in full force and effect from and after its passage and publication as provided by law, and it is so ordained.

**G-2369      Approve Communications System agreement with the City of Fort Worth for the use of the Fort Worth radio system**

Tommy Davis gave the following report: The Texas Local Government Code allows cities to enter into interlocal agreements for the purpose of jointly performing governmental functions. Benbrook participates in multiple interlocal agreements including mutual aid (Tarrant County), garbage billing (BWA), and cooperative purchasing (Buyboard and HGAC).

Benbrook's current dispatch and handheld radio system for emergency responders and field service employees is a 20-year old UHF system. The Benbrook Capital Improvements Program (CIP) and upcoming 2018/19 budget replaces the system with a modern 800MHz system. The 800MHz system allows for interagency communication, eliminates dead spots and is generally more reliable.

The City of Fort Worth currently operates and manages its own 800 MHz radio system with related infrastructure. Multiple agencies utilize the Fort Worth systems' infrastructure via interlocal agreement. Benbrook's use of Fort Worth's existing infrastructure eliminates very significant capital (millions of \$'s) and maintenance costs. The attached interlocal agreement provides for Benbrook's full use of the Fort Worth 800 MHz system with Benbrook having its own assigned frequency. The annual cost to Benbrook is approximately \$64,600 per year.

Motion by Mr. Washburn, seconded by Ms. Franklin to approve the Interlocal Communications System Agreement with the City of Fort Worth for the use of the Fort Worth radio system.

Vote on the Motion:

Ayes: Ms. Franklin, Dr. Marshall, Mr. Allison, Mayor Dittrich, Mr. Wilson, Mr. Washburn, Mr. Sauma

Noes: None

Motion carries unanimously.



## **VII. OTHER MATTERS OF BUSINESS**

### **1. Conduct 2<sup>nd</sup> Public Hearing on 2018 Property Tax Rate**

Sherri Newhouse gave the following report: The City of Benbrook's property tax rate is allocated between the General Fund and the Debt Service Fund. The current property tax rate for the General Fund is \$0.6125 per \$100 valuation. The current property tax rate for the Debt Service Fund is \$0.0275. The total property tax rate is currently \$0.6400 per \$100 valuation. The 2018-19 Proposed Budget is based on a property tax rate of \$0.6400 per \$100 valuation. The General Fund rate is proposed to decrease by \$0.005 from \$0.6125 to \$0.6075. The Debt Service Fund rate will increase at \$0.0325.

The Tarrant Appraisal District provided the City with certified appraisal rolls. At the August 2, 2018 City Council meeting, the Finance Director presented the certified appraisal roll. Council accepted the certified appraisal roll, set the anticipated property tax rate at \$0.6400, and appointed the Finance Director to calculate and to publish the effective tax rate (ETR) and the rollback tax rate (RTR). At the Budget work session held immediately after the City Council meeting, the Council approved maintaining the property tax rate at the current rate of \$0.6400.

With assistance from the Tarrant County Tax Assessor-Collector, the Finance Director calculated the effective tax rate and the rollback tax rate. The effective tax rate of \$0.619189 less than the proposed property tax rate of \$0.6400. The rollback rate of \$.72608 is over the proposed tax rate of \$0.6400. These property tax rates were published in the *Fort Worth Star Telegram* along with notice of the two public hearings on the proposed property tax rate.

The certified appraised values for 2018 within Benbrook increased by 8.64 percent over the 2017 values. The total taxable value increased by 9.50 percent. New construction contributed \$74,547,363 to the appraisal rolls. Each one cent of property tax generates \$208,867 in revenue.

Mayor Dittrich opened the public hearing on the 2018 Property Tax Rate at 7:58 p.m. No one spoke to the item. Mayor Dittrich closed the public hearing at 7:59 p.m.

### **2. Conduct 2<sup>nd</sup> Public Hearing on 2018-2019 Proposed Budget**

Sherri Newhouse gave the following report: The Proposed Budget, as approved by the Council through the adoption of an ordinance, is comprised of the Operating Funds – the General Fund and the Debt Service Fund. These two funds are financed primarily through property tax revenue.

The City of Benbrook's budget process began in May 2018 with development of departmental budget requests. Department requests consist of the base budget and decision packages. The base budget includes funds to cover current

operating costs, staffing levels, and expenses. Decision packages are for new programs, positions, equipment, and vehicles. The City Manager reviews the department requests and develops a proposed budget. The City Council is consulted, during a work session open to the public, for any budget requests and changes to current operations. After the certified appraisal roll is provided by the Tarrant Appraisal District in July, staff is able to finalize revenue projections and complete a proposed budget document for review by the City Council. The 2018-19 Proposed Budget was presented to Council at a work session on August 2, 2018.

The 2018-19 Proposed Budget is based on General Fund revenues of \$20,133,765 and Debt Service Fund revenues of \$686,793. Total Operating Fund revenues are \$20,820,558.

The 2018-19 Proposed Budget is based on General Fund expenditures of \$19,334,179 and Debt Service Fund expenditures of \$973,740. Total Operating Fund expenditures are \$20,307,919.

The 2018-19 Proposed Budget includes the following transfers and special uses of funds:

- Transfer from General Fund reserves to Capital Asset Replacement Fund of \$250,000 to stockpile funds for replacement of a fire engine in the future
- Transfer of \$500,000 in General Fund reserves to Capital Projects Fund for the emergency access bridge
- Use of \$920,000 in unrestricted General Fund reserves for replacement of the fire communications system
- Transfer of \$100,000 from Road Damage Fund to General Fund
- Transfer from Storm Water Utility Fund to Debt Service Fund of \$504,744.

The base budget includes continuation of current services, programs, and staffing levels; step increases for eligible full-time employees; funds to cover an up-to 7.50 percent increase in employee health, dental, and life insurance premiums; decrease in City's contribution rate for retirement effective January 1, 2019; replacement of police-package sport utility vehicles for Police Department; replacement of computers, peripherals, and software as scheduled; and additional funds for operation of the new animal shelter.

Decision packages approved for funding in the 2018-19 Proposed Budget include:

- Three full-time Fire Fighter/EMT positions with a scheduled hire date of January 1, 2019
- Replacement and upgrade of communications system for Fire Department
- Elimination of 3.75 part-time Fire Fighter positions
- Replacement of five light bars for Police patrol vehicles
- Contracting of school crossing guards program
- Project accounting module for financial management system

- Replacement of one traffic signal cabinet
- Phase one of street sign replacement project
- Expansion of street overlay program
- Additional funds for street repairs and reconstruction
- Replacement of electrical breakers for ball fields operated by Parks Department
- Replacement of trash receptacles in City parks
- Two and one-half percent cost-of-living adjustment for full-time employees

The 2018-19 Proposed Budget includes increased funding for the Capital Asset Replacement Fund; funding of \$250,000 from General Fund reserves. Funds are reserved for replacement of a fire engine. Funds are included in the Facilities Fund to replace the jail door operations system. Funds are available in the Storm Water Utility Fund to replace a street sweeper. Funds are also available in other accounts to procure a tack trailer and jack hammer for the Street Department's bobcat. Funds are available to add shelters in three of the City's parks.

The 2018-19 Proposed Budget for the Debt Service Fund is based on increasing the property tax portion from the current rate of \$0.0275 to \$0.0325. Funding includes:

- Payment of principal and interest for general obligation bonds for three issues
- Transfer of \$504,744 from Storm Water Drainage Fund for general obligation bonds issued prior to establishment of Storm Water Fund
- Addition of funds to Debt Service Fund reserves

Mayor Dittrich opened the public hearing on the 2018-2019 proposed budget at 8:07 p.m. No one spoke to the item. Mayor Dittrich closed the public hearing at 8:07 p.m.

**VIII. INFORMAL CITIZEN COMMENTS**

**IX. COUNCIL MEMBER AND STAFF COMMENTS**

**X. EXECUTIVE SESSION – Pursuant to Texas Government Code Section 551,387, Deliberation Regarding Economic Development Negotiations**

**1. Benbrook Economic Development incentive(s) for commercial development.**

Mayor Dittrich recessed the regular meeting at 8:18 p.m. to conduct an Executive Session pursuant to Section 551,387 of the Texas Government Code.

**XI. RECONVENE INTO REGULAR SESSION – Take action from Executive Session**

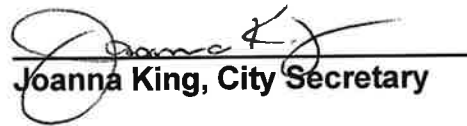
Mayor Dittrich reconvened the regular meeting at 8:28 p.m. No action taken from Executive Session.

**XII. ADJOURNMENT**

Meeting adjourned at 8:29 p.m.

APPROVED:   
Jerry B. Dittrich, Mayor

**ATTEST:**

  
Joanna King, City Secretary